

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

IDAPA 07 – DIVISION OF BUILDING SAFETY 1090 E. Watertower St., Meridian, ID 83642

Docket No. **07-0204-0201**, Rules Governing Safety Plumbing Inspections. Replaces outdated Cross Connection Control Manual with most current edition. Comment by: 8/28/02.

Docket No. **07-0206-0201**, Rules Concerning Uniform Plumbing Code. Changes “adoption” to “incorporation by reference”; provides consistency between rules of the Plumbing Bureau and those of the state’s Health Districts and between state statute and the 2000 Uniform Plumbing Code. Comment by: 8/28/02.

IDAPA 09 – DEPARTMENT OF LABOR 317 W. Main St., Boise, ID 83735

Docket No. **09-0106-0201**, Rules of the Appeals Bureau. Conforms to Supreme Court decision recognizing an exception to Department’s postmark rule for timely appeals, which will benefit appellants. Comment by: 8/28/02.

IDAPA 11 – IDAHO STATE POLICE P.O. Box 700, Meridian, ID 83680-0700

Docket No. **11-1102-0201**, Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Detention Officers. Adds required informational sections to rule. Comment by: 8/28/02.

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE P.O. Box 83720, Boise, ID 83720-0036

Docket No. **16-0305-0202**, Rules Governing Eligibility for Aid to the Aged, Blind and Disabled. Defines an asset transfer for sole benefit; allows a higher income deduction for a Medicaid-eligible veteran in a State or private nursing home; provides that “end of treatment” for a woman eligible for Medicaid through the Breast and Cervical Cancer program is determined by the Division of Medicaid; defines “reasonable and ordinary monthly needs” for evaluating the purchase of an annuity as an asset transfer; establishes when an irrevocable annuity is an asset transfer and when an asset transfer penalty will be imposed; provides that an annuity must be a single premium annuity unless found exempt; repeals an obsolete rule. Comment by: 8/28/02.

16.03.09 - Rules Governing the Medical Assistance Program.

Docket No. **16-0309-0208**. Establishes separate prospective payment rates for medical, mental and dental health care for Federally Qualified Health Centers and for medical and mental health care for Rural Health Clinics; specifies that payment for services conforms to the 2000 Benefit Improvement and Protection Act; changes the reimbursement method from a retrospective to a prospective payment system. Comment by: 8/28/02.

Docket No. **16-0309-0209**. Defines “cancer treatment” and “end of treatment” for women diagnosed with breast or cervical cancer and authorizes the Department to determine when cancer treatment has ended. Comment by: 8/28/02.

16.03.10 - Rules Governing Medicaid Provider Reimbursement.

Docket No. **16-0310-0201**. Revises reimbursement method from a “retrospective” to a “prospective” payment system. Comment by: 8/28/02.

Docket No. **16-0310-0202**. Removes capped rates as of July 1, 2002 and applies existing rate methodology using the prospective payment system; corrects typographical errors. Comment by: 8/28/02.

Docket No. **16-0505-0201**, Rules Governing Fees for Health Operating Permits, Licenses and Inspection Services. Deletes sections relating to the imposition of environmental fees, parcel surveys and sanitary restriction administration, and transfers them to a new DEQ rule (see Docket No. 58-0114-0201). Comment by: 8/28/02.

IDAPA 23 – IDAHO BOARD OF NURSING P.O. Box 83720, Boise, ID 83720-0061

Docket No. **23-0101-0201**, Rules of the Idaho Board of Nursing. Creates the regulatory framework for issuance, renewal, and reinstatement of emeritus licenses and establishes the fees for issuance, renewal, and reinstatement. Comment by: 8/28/02.

IDAPA 35 – STATE TAX COMMISSION P.O. Box 36, Boise, ID 83722

35.01.03 - Property Tax Administrative Rules

****Docket No. 35-0103-0203**. Sets up procedures to be followed when a county falls behind on their 5-year reappraisal plan. Comment by: 8/28/02.

Docket No. **35-0103-0204**. School districts will only be required to subtract a portion of equipment monies to comply with HB 680. Comment by: 8/28/02.

**IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY
1410 N. Hilton, Boise, ID 83706-1255**

****Docket No. 58-0101-0201**, Rules for the Control of Air Pollution in Idaho. Revises open burning rule to remedy inconsistencies between other local, state, and federal rules, regulations, and laws; clarifies the requirements for the burning of residential solid waste; and adds reference to the adoption of the Smoke Management and Crop Residue Disposal Act. Comment by: 9/11/02.

58.01.02 – Water Quality Standards and Wastewater Treatment Requirements.

****Docket No. 58-0102-0201**. Clarifies and standardizes the following: defines public wastewater facility to identify facilities and operators affected by this rule; a classification system for operators and wastewater collection systems and wastewater treatment facilities; operator qualifications; certification renewal requirements; ongoing professional growth requirements; re-certification; enforcement provisions for noncompliance; resources needed to implement the new rules; and ongoing stakeholder involvement. Also includes reciprocity criteria, confidentiality language, contracting options, grandparenting rights, a wastewater land application endorsement for operators of wastewater land application systems, and periodic program and rule reviews. Comment by: 9/6/02.

****Docket No. 58-0102-0203**. Adopts site-specific water quality criteria for portions of the Boise River for copper and lead; provides for developing new water quality criteria or modifying existing water quality criteria through site-specific analyses. Comment by: 9/6/02.

****Docket No. 58-0102-0204**. Adds new use designations for state waters; distinguishes between water suitable for “primary contact” or “secondary contact” recreation; lists chemical water quality criteria that are currently not listed in the Idaho water quality standards including expressing specified metals criteria as dissolved metals; and adopts low flow provisions. Comment by: 9/6/02.

****Docket No. 58-0102-0205**. Specifies various methods for evaluating water quality based effluent limits and for identifying procedures for calculating values for effluent concentration, background concentrations of pollutants, and hardness values of the receiving water to determine if and what type of permit limits may be necessary. Comment by: 9/6/02.

Docket No. **58-0105-0201**, Rules and Standards for Hazardous Waste. Updates rules to make them consistent with revisions to the federal RCRA regulations as of 7/1/02; clarifies the definition of “Director”; makes other technical and grammatical corrections. Comment by: 8/28/02.

Docket No. **58-0114-0201**, Rules Governing Fees for Environmental Operating Permits, Licenses and Inspection Services. Removes and transfers sections from IDAPA 16.05.05 relating to the imposition of environmental fees, parcel surveys and sanitary restriction administration to this new chapter; allows local government and the health districts to adopt equivalent or more stringent fees to cover the services provided. Comment by: 8/28/02.

Docket No. **58-0104-0201**, Rules for the Administration of Wastewater Treatment Facility Grants;

Docket No. **58-0112-0201**, Rules for Administration of Water Pollution Control Loans;

Docket No. **58-0120-0201**, Rule for Administration of Drinking Water Loan Account; and

Docket No. **58-0122-0201**, Rules for Administration of Planning Grants for Public Drinking Water Facilities.

These four dockets address review and approval of contracts for consulting engineers and for determining eligible costs for grants and loans; state the types of contracts allowed, what contract costs and other costs will be eligible, and how the contracts and costs are reviewed; other changes make rules consistent with other DEQ loan and grant rules. Comment by: 9/6/02.

****PUBLIC HEARINGS HAVE BEEN SCHEDULED FOR THESE DOCKETS.**

Please refer to the Idaho Administrative Bulletin, **August 7, 2002, Volume 02-8** for notices and text of all rulemakings, public hearing schedules, Governor’s executive orders, and agency contact names.

Citizens of your county can view all issues of the Idaho Administrative Bulletin at the county law libraries.

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering see our website or call (208) 332-1820 or write the Office of Administrative Rules, Department of Administration, 650 W. State St., Room 100, Boise, ID 83720-0306. Visa and MasterCard accepted for most purchases.

The Idaho Administrative Bulletin and Administrative Code are available on-line at:
<http://www2.state.id.us/adm/adminrules/>